

DOUGLAS J. FARMER, State Bar No. 139646
doug.farmer@ogletreedeakins.com
DAVID D. SOHN, State Bar No. 221119
david.sohn@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
Steuart Tower, Suite 1300
One Market Plaza
San Francisco, California 94105
Telephone: (415) 442-4810
Facsimile: (415) 442-4870

Attorneys for Defendants
SCHNEIDER NATIONAL, INC. and
SCHNEIDER NATIONAL CARRIERS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MORRIS BICKLEY, as an individual and on
behalf of all others similarly situated,

Plaintiff,

v.

SCHNEIDER NATIONAL, INC., a
corporation; SCHNEIDER NATIONAL
CARRIERS, INC., a corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No. C 08-05806 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER**

Date:

Time:

Ctrm:

Judge: Hon. Jeffrey S. White

Action Filed: November 25, 2008

Trial Date: December 6, 2010

1 This Stipulation and [Proposed] Order is hereby entered into and submitted by and between
 2 Plaintiff Morris Bickley ("Plaintiff") and Defendants Schneider National, Inc. and Schneider
 3 National Carriers, Inc. (collectively, "Defendants"), by and through their respective counsel of
 4 record, pursuant to Civil Local Rule 7-12.

5 **WHEREAS**, on April 24, 2009, the parties filed a Joint Case Management Statement with
 6 the Court. *See* Docket Item No. 32. In Section 12 of the Joint Case Management Statement, titled
 7 "Settlement and ADR," the parties noted they "have agreed to private mediation." *Id.*

8 **WHEREAS**, on May 1, 2009, the parties participated in an initial Case Management
 9 Conference with Judge Jeffrey S. White.

10 **WHEREAS**, on May 14, 2009, Judge White issued an Order Scheduling Trial and Pretrial
 11 Matters pursuant to the initial Case Management Conference. *See* Docket Item No. 35. In Section
 12 C of the Order, titled "Alternative Dispute Resolution," the Court noted "[b]y agreement of the
 13 parties, this matter is referred to private ADR, to be completed by November 2, 2009."¹

14 **WHEREAS**, on October 22, 2009, the Court issued an Order of Referral to Magistrate
 15 Judge Joseph C. Spero for Settlement Conference. *See* Docket Item No. 36. The Order states the
 16 referral to Magistrate Judge Spero for a settlement conference was based upon "the consent of the
 17 parties." *Id.*

18 **WHEREAS**, on October 26, 2009, the Court issued a Notice of Settlement Conference and
 19 Order Setting Settlement Conference before Magistrate Judge Spero. The Order set a settlement
 20 conference in this matter for December 21, 2009.

21 **WHEREAS**, at no point during the litigation of this matter did the parties consent to a
 22 settlement conference before a Magistrate Judge.

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 24
 25 ¹ The parties have not completed private mediation. As noted in Defendant's Notice of
 26 Pendency of Other Action or Proceeding, filed on April 1, 2009, there was another class action
 27 pending in the Central District of California, entitled *Michael D. Patton v. Schneider National*
 28 *Carriers, Inc., et al.*, Case No. CV 09-01010 MMM (AJWx), involving the same Defendants and
 premised on similar, if not identical, wage and hour claims as the above-captioned matter. *See*
 Docket Item No. 31. The parties have agreed to consolidate these two lawsuits in this Court and
 are currently in the process of doing so. The parties anticipate participating in private mediation
 once the two lawsuits have been consolidated and sufficient discovery has been taken.

1 **THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between
2 Plaintiff and Defendants, and their respective undersigned counsel of record, that the Court's Order
3 Setting Settlement Conference for December 21, 2009 before Magistrate Judge Spero be
4 withdrawn and taken off calendar.

5
6 Dated: December 3, 2009

Respectfully Submitted,

7 OGLETREE, DEAKNS, NASH, SMOAK &
8 STEWART, P.C.

9
10 By /s/ David D. Sohn

Douglas J. Farmer
David D. Sohn

11 Attorneys for Defendants
12 SCHNEIDER NATIONAL CARRIERS,
13 INC., and SCHNEIDER NATIONAL, INC.

14 Dated: December 3, 2009

Respectfully Submitted,

15 LAW OFFICES OF PETER M. HART

16
17 By /s/ Peter M. Hart

Peter M. Hart

18 Attorneys for Plaintiff
19 MORRIS BICKLEY, as an individual and
20 on behalf of all others similarly situated
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~~PROPOSED~~ ORDER

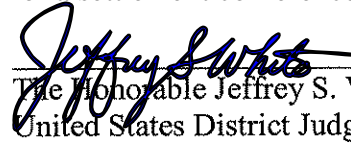
The parties note, in a footnote, that they have violated the Court's order scheduling trial and pretrial matters by failing to complete private mediation by November 2, 2009. By no later than December 14, 2009, the parties shall file a stipulation selecting a new date by which they will complete

~~PURSUANT TO STIPULATION, IT IS SO ORDERED.~~

mediation. The parties are admonished not to violate the Court's orders in the future. Pursuant to the parties' stipulation, the Court withdraws the referral for a settlement conference.

IT IS SO ORDERED.

Date: December 8, 2009


The Honorable Jeffrey S. White
United States District Judge